

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SMITHKLINE BEECHAM  
CORPORATION and SMITHKLINE  
BEECHAM CONSUMER  
HEALTHCARE, L.P.,

Plaintiffs,

v.

PERRIGO COMPANY,

Defendant.

C.A. No. 04-107-SLR

**STIPULATION OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)**

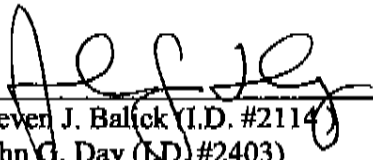
The parties hereto, through their undersigned counsel, hereby stipulate and agree, pursuant to settlement, that:

1. All claims brought by plaintiffs SmithKline Beecham Corporation and SmithKline Beecham Consumer Healthcare, L.P. in the above-entitled action shall be dismissed with prejudice.

2 Defendant Perrigo Company's defenses and declaratory judgment counterclaims of non-infringement, invalidity, and limitation of damages due to Plaintiffs' failure to comply with the marking or notice requirements of 35 U.S.C. §287 are dismissed with prejudice as to the Perrigo products at issue in the litigation. Defendant Perrigo Company's defenses and declaratory judgment counterclaims of non-infringement, invalidity, and limitation of damages as to products manufactured or sold by Perrigo that are *not* at issue in this litigation are dismissed without prejudice.


3. Each party shall bear its own fees and costs.

ASHBY & GEDDES

  
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SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chief Judge

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